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U.S. DISTRICT COURT
MID. DIST. TENN.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EDWARD EVANS DONNELL,

Plaintiff,

v.

PLAINTIFF'S COMPLAINT

GC SERVICES, LP,

Defendant.

NOW COMES Plaintiff, EDWARD EVANS DONNELL ("Plaintiff"), through his attorneys, alleging the following against Defendant, GC SERVICES, LP ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. Subject matter jurisdiction of this Court arises pursuant to 15 U.S.C. § 1692k(d).

3. Defendant conducts business in the State of Tennessee thereby establishing personal jurisdiction.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts giving rise to this action occurred in this district, Plaintiff resides in this district, and Defendant transacts business in this district.

PARTIES

5. Plaintiff is a natural person residing in Nashville, Davidson County, Tennessee.

6. Plaintiff is a consumer as that term is defined by 15 U.S.C. § 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. § 1692a(5).

7. Defendant is business entity with an office located at 6330 Gulfport St, Houston, Texas 77081.

8. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection, is a debt collector as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Prior to the filing of this action, an account was placed with Defendant to collect funds from Plaintiff which were alleged to be owed and past due ("debt").

11. The alleged debt arises from a personal student loan.

12. In September 2014, Defendant placed telephone calls to Plaintiff attempting to collect the alleged debt.

13. Defendant tried calling Plaintiff at telephone numbers (615) 830-4585 and (615) 346-4039.

14. Defendant's purpose for calling Plaintiff was to attempt to collect the alleged debt.

15. On September 5, September 8, September 15, September 16, and September 18, 2014, Defendant placed collections calls to Plaintiff and recorded a voice mail message for him on his answering system.

16. The messages stated as follows:

Good afternoon, this message is for Edward Evans Donnell, my name is "Amy Kasaris." If you can please return my call to 615-671-4012. Thank you.

17. Each voice mail message failed to identify Defendant as GC Services.
18. Each voice mail message failed to disclose that Defendant is a debt collector
19. Defendant is used deceptive means to attempt to collect the alleged debt by withholding from Plaintiff its identity or that it was calling to collect a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

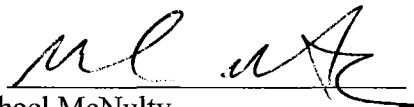
20. Defendant violated the FDCPA based on the following:
 - a) Defendant violated § 1692d(6) of the FDCPA by failing meaningfully disclose its identity in its messages for Plaintiff;
 - b) Defendant violated § 1692e of the FDCPA by using false, deceptive, or misleading representations or means in connection with the collection of any debt;
 - c) Defendant violated § 1692e(11) of the FDCPA by failing to disclose in its communications with Plaintiff that the communication was from a debt collector.

WHEREFORE, Plaintiff, EDWARD EVANS DONNELL, respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

21. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k.
22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k
23. Any other relief that this Honorable Court deems appropriate.

DATED: 2/5/2017

RESPECTFULLY SUBMITTED,

By: 

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